

ORDINANCE No. 12

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR  
DUNES CITY, OREGON

BE IT ENACTED BY THE PEOPLE OF DUNES CITY:

Section 1. Title. This ordinance shall be known as the zoning ordinance of the city.

Section 2. Definitions. As used in this ordinance the masculine includes the feminine and neuter and the singular includes the plural.

(1) Accessory structure or use. A structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. A home occupation is an accessory use.

(2) Billboard. See sign.

(3) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(4) City. Dunes City, Oregon.

(5) Court. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(6) Dwelling, duplex; or dwelling, two-family. A detached building containing two dwelling units.

(7) Dwelling, single-family. A detached building containing one dwelling unit.

(8) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purposes of this ordinance the term "dwelling unit" does not include the term "trailer house."

(9) Family. An individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding

servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

(10) Fence, sight obscuring. A fence or evergreen planting arranged in such a way as to obstruct vision.

(11) Floor area. The area included in surrounding walls of a building, or portion thereof, exclusive of vent shafts and courtyards.

(12) Garage, private. An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

(13) Grade (ground level). The average of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

(14) Height of building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(15) Home occupation. An occupation commonly carried on within a dwelling by members of the family occupying the dwelling, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A home occupation does not involve the retail sale of a product on the premises nor the use of any accessory building, nor does it occupy more than 30 per cent of the floor area of the dwelling.

(16) Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

(17) Lot. For the purposes of this ordinance, a parcel or tract of land.

(18) Lot area. The total horizontal area within the lot lines of a lot.

(19) Lot, corner. A lot abutting on two intersecting streets other than a court; provided that the streets do not intersect at an angle greater than 135 degrees.

(20) Lot, depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

(21) Lot, interior. A lot other than a corner lot.

(22) Lot line. The property line bounding a lot.

(23) Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than a court, and in the case of a corner lot, the shortest lot line along a street other than a court.

(24) Lot line, rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular or other shaped lot a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

(25) Lot line, side. Any lot line not a front or rear lot line.

(26) Lot width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

(27) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(28) Parking space. A rectangle not less than 20 feet long and eight and a half feet wide together with access space sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles.

(29) Person. Every natural person, firm, partnership, association, or corporation.

(30) Screening. See fence, sight obscuring.

(31) Sign. Any device designed to inform or to attract the attention of persons not on the premises. The area of a sign shall be the total of the exposed exterior display

surface.

(32) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a story.

(33) Street. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road", "highway", "land", "place", "avenue", "court", or other similar designations.

(34) Structure. That which is built or constructed. An edifice or building of any kind or any place of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

(35) Structural alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

(36) Use. The purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

(37) Vision clearance area. A triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet in height measured from the top of

the curb.

(38) Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

(39) Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

(40) Yard, rear. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

(41) Yard, side. An open space between the front and rear yards measured horizontally and at right angles from the side lot line to the nearest point of the building.

Section 3. Compliance with Ordinance Provisions. No structures or premises shall be used or occupied, and no structure or part of a structure may be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this ordinance.

Section 4. Zone Classification. For purposes of this ordinance, there shall be one zone only which shall be designated as follows:

Zone	<u>Abbreviated Designation</u>
Residential Single-family and Two-family dwelling (duplex)	R-1

Section 5. Zoning Map.

(1) The location and boundary of the zone above designated in Section 4 is hereby established as shown on the map entitled "Zoning Map of Dunes City", dated with the effective date of this ordinance and signed by the mayor and city recorder, and hereafter referred to as the "zoning map".

(2) The zoning map and all notations thereon are hereby made a part of this ordinance.

(3) The signed copy of the zoning map containing the zoning district designated at the time of adoption of this ordinance shall be maintained without change on file in the office of the city recorder.

(4) Amendments to this ordinance shall be filed in the office of the city recorder.

#### Residential Zone R-1

Section 6. Uses Permitted Outright. In a R-1 zone the following uses and their accessory uses are permitted outright:

(1) A dwelling arranged, intended, and designated exclusively for one family.

(2) A dwelling for two families (duplex).

Section 7. Conditional Uses Permitted. In a R-1 zone the following uses and their accessory uses are permitted when authorized in accordance with Sections 16 to 20.

(1) Church.

(2) Governmental structure or use including a public park, playground, recreation building, fire station, library, or museum.

(3) School: Nursery, primary, elementary, junior high, or senior high.

(4) Utility substation or pumping substation, not including outside storage.

(5) Crop cultivation, or farm and truck gardens.

(6) Accessory buildings on the rear half of the building site used as garages, store rooms, wood sheds, work shops, laundries, playhouses, or similar and related accessory uses; provided, however, that there shall be not more than two buildings allowed as accessory to any single-family dwelling.

(7) Home occupation such as dressmaker, lawyer, notary public, public accountant, artist, teacher, musician, principal office of a physician or dentist, or the practice of any art or craft of a nature conveniently and unobtrusively pursued in a family dwelling; providing the residential character of the dwelling is not

changed.

(8) Outdoor nursery for the growing, sale, and display of trees, shrubs, and flowers.

Section 8. Signs. In a R-1 zone the following signs are permitted:

(1) One name plate or home occupation sign, not more than one and one-half square feet in area, for each dwelling. The sign may be only indirectly illuminated.

(2) One temporary sign, not more than six square feet in area, advertising the sale, lease, or rental of the property. The sign shall not be illuminated.

(3) One temporary sign per tract of land or subdivision, not more than 20 square feet in area, advertising the sale of the tract or lots in the tract. The sign shall not be illuminated and shall be set back at least 30 feet from the street.

Section 9. Lot Size. In a R-1 zone minimum lot size shall be as follows:

(1) Lot area shall be at least 8,000 square feet per dwelling unit.

(2) Lot area shall be at least 4,000 square feet per dwelling unit in a multiple family dwelling or duplex.

Section 10. Building Setback Requirements.

(1) Front yards shall be not less than 25 feet deep.

(2) On interior lots there shall be a side yard on each side of the main building of not less than 15 feet. Accessory buildings located less than 70 feet from the front property line shall conform to the setback established for the main building. On corner building sites no building shall be closer than 15 feet to the exterior side line.

Section 11. Height of buildings. No building shall exceed two stories or 25 feet, whichever is lower.

Section 12. Lot Coverage. The main building and accessory building located on any building site or lot shall not cover in excess of 30 per cent of the lot area.

Section 13. Size of Lot. Residential lots shall have a minimum average width of 80 feet and the minimum lot area per dwelling shall be 8,000 square feet, except that where a lot has an average width of less than 80 feet and an area of less than 8,000 square feet at the time this ordinance became effective, such lot may be occupied by any use permitted in this section.

Section 14. Vision Clearance.

(1) Vision clearance on corner lots shall be a minimum of 25 feet.

(2) Vision clearance on alley-street intersections shall be a minimum of 10 feet.

Section 15. Parking Space Required. There shall be at least one permanent reserved parking space or a private garage on the same lot or attached to or made a part of the main building. Such parking space shall be not less than 8 feet wide and 18 feet long. The parking space or garage shall be provided at the time of the erection of the main building and it shall have adequate provisions for ingress and egress by standard size automobiles.

Conditional Uses

Section 16. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as conditional used may be permitted, enlarged, or otherwise altered upon authorization by the city council in accordance with the standards and procedures set forth in Sections 16 to 20. Conditional uses are those which may be appropriate, desirable, convenient, or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort, and convenience unless appropriate conditions are imposed. In permitting a conditional use or the modification of an existing conditional use, the city may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which the city considers necessary to protect the best interests of the surrounding property or



the city as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, size, and location of signs, and requiring screening and landscaping to protect adjacent property. In the case of a use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

Section 17. Application for a Conditional Use. A property owner or his authorized agent may initiate a request for a conditional use or the modification of an existing conditional use by filing an application with the city recorder, using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and names and addresses of adjoining property owners. The city council may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties. The applicant shall pay a fee of \$25 at the time the application is filed.

Section 18. Public Hearing on Conditional Use. Before the city council may act on a request for a conditional use it shall hold a public hearing. The hearing shall be held within 40 days after the application for the conditional use is filed. The city recorder shall give notice of the hearing in the following manner:

(1) Notice of the hearing shall be published in a newspaper of general circulation in Western Lane County, Oregon, not less than ten days nor more than 30 days prior to the date of the hearing.

(2) Not less than ten days prior to the date of the hearing, notices shall be mailed to all adjacent property owners. The names and addresses of property owners shall be those shown in the records of the county assessor. Failure to send such

notice to a person specified in this section or failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for a conditional use.

Section 19. Recess of the Hearing by the City Council. The city council may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the council shall announce the time and date when the hearing will be resumed.

Section 20. Notification of Action. Within five days after a decision has been rendered, the city recorder shall provide the applicant with written notice of the city's action on the request for a conditional use.

#### Supplementary Provisions

Section 21. Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines or the center line of streets, courts, railroad right of way, or such lines extended.

Section 22. General Provisions Regarding Accessory Uses. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

(1) Fences, which may be located within yards, shall not exceed a height of three and one-half feet from the curb elevation in the front yard or in a vision clearance area.

(2) A green house or hothouse may be maintained accessory to a dwelling.

Section 23. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, and other similar architectural features may project not more than 18 inches into a required yard.

Section 24. Maintenance of Minimum Ordinance Requirements. No lot area, yard, or other open space, or required off-street parking existing on or after the effective date of this ordinance shall be reduced in area, dimension, or

size below the minimum required by this ordinance, nor shall any lot area, yard, or other space or off-street parking or loading area which is required by this ordinance for one use be used as the lot area, yard, or other open space or off-street parking requirement for any other use.

Section 25. Exceptions to Yard Requirements.

(1) In the case of dwellings, the following exception to the front yard requirement shall apply in any zone: If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

Section 26. General Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

Section 27. Access. All lots shall abut a street other than a court for a width of at least 25 feet.

Section 28. Zoning of Annexed Areas. Zoning regulations applicable to an area prior to its annexation to the city shall continue to apply in accordance with ORS 227.310 unless at the time of annexation or at a subsequent time the city council places the annexed area in a zoning classification established by this ordinance. If an area annexed to the city is not zoned prior to its annexation, it shall automatically be classified as a R1- zone until a zoning plan for the area is adopted by the city council. The city council may, in the ordinance annexing the area to the city, place all or any part of the area in a zoning classification

established by this ordinance if the resolution and notices required as a part of the annexation proceedings include a declaration of the city's intention to so zone the property.

### Nonconforming Uses and Structures

Section 29. Continuation of Nonconforming Use or Structure. Subject to the provisions of Sections 30 to 35, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time this ordinance is adopted shall not be considered an extension of a nonconforming use.

Section 30. Nonconforming Structure. A structure conforming with respect to use but nonconforming with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not deviate further from the standards of this ordinance.

#### Section 31. Discontinuance of a Nonconforming Use.

(1) If a nonconforming use involving a structure is discontinued from use for a period of one year, further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, a further use of the property shall be for a conforming use.

#### Section 32. Termination of Certain Nonconforming Uses.

(1) A nonconforming use not involving a structure or one involving a structure having an assessed value of less than \$200.00 shall be discontinued within two years from the date this ordinance is adopted.

(2) A use which is nonconforming with respect to provision for screening shall provide screening within a period of five years from the date this ordinance is adopted.

Section 33. Change of a Nonconforming Use. If a nonconforming use is re-

placed by another use, the new use shall conform to this ordinance and shall not subsequently be replaced by a nonconforming use.

Section 34. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of the fair market value as indicated by the records of the county assessor, a future structure or use shall conform to this ordinance.

Section 35. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction alteration or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the building is nonconforming or is intended for a nonconforming use it shall be completed and in use within two years from the time the building permit is issued.

#### Variances

Section 36. Authorization to Grant or Deny Variances. The city council may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the city may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 37. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which con-

ditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city development plan or policy.

(4) The variance requested is the minimum variance which will alleviate the hardship.

Section 38. Variance Procedure. The procedures to be followed in applying for and acting on a variance shall be substantially the same as those provided in Sections 16 to 20 of this ordinance for the case of a conditional use.

#### Amendments to the Zoning Ordinance

Section 39. Authorization to Initiate Amendments. An amendment to the text or the zoning map of this ordinance may be initiated by the city council or by application of a property owner or his authorized agent. The city council shall, within 40 days after a hearing, approve, disapprove, or modify the proposed amendment.

Section 40. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city recorder 30 days prior to the city council meeting at which the proposal is to be considered. The application shall be accompanied by a fee of \$

Section 41. Public Hearing on an Amendment. Before taking final action on a proposed amendment the city council shall hold a public hearing.

(1) Notice of hearing. Notice of time and place of the public hearing before the city council and of the purpose of the proposed amendment shall be given

by the city recorder in the following manner:

(a) If an amendment to the text of this ordinance or a change in the zoning map of an area of ten acres or more is proposed, the notice shall be by three publications in a newspaper of general circulation in Western Lane County, Oregon, once a week for three consecutive weeks prior to the date of hearing.

(b) If an amendment to the zoning map of an area of less than ten acres is proposed, the notice shall be by one publication in a newspaper of general circulation in western Lane County, Oregon, not less than ten days nor more than 30 days prior to the date of hearing and by mailing written notice not less than ten days prior to the date of hearing to owners of property within the area enclosed by lines parallel to and 300 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section.

(c) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.

(2) Recess of Hearing. The city council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the council shall announce the time and date when the hearing will be resumed.

Section 42. Records of Amendments. The city recorder shall maintain a record of amendments to the text and map of this ordinance in a form convenient for the use of the public.

### Administration, Enforcement and Interpretation

Section 43. Enforcement. The city building inspector shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling of the city building inspector shall be made to the city council.

Section 44. Time Limit on a Permit for a Conditional Use of a Variance. Authorization of a conditional use or variance shall be void after six months unless a building permit has been issued and substantial construction has taken place. However, the city council may extend authorization for an additional six months on request.

Section 45. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 46. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 47. Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment in the city jail for not more than 100 days or by a fine of not more than \$200.00, or both. A person violating a provision of this ordinance shall be considered guilty of a separate offense for each day during which the violation continues following written notification by the city.



AN AMENDMENT TO ORDINANCE NO. 1

AMENDMENT #2 TO ORDINANCE NO. 12 (10/4/71)


Section 13. Size of Lot. Residential lots shall have a minimum average width of 80 feet and the minimum lot area per dwelling shall be 8,000 square feet, except that where a lot has an average width of less than 80 feet and an area of less than 8,000 square feet at the time this ordinance became effective, such lot may be occupied by any use permitted in this section.

A building lot on which both an individual water supply source and a subsurface sewage disposal system are to be provided shall be at least one acre in area unless otherwise required by the health officer having jurisdiction in the area.

This Ordinance be further amended to cover the regulation governing the subsurface disposal of sewage to comply with Statutory Authority: ORS 431.130 and 447.020.

Passed by the Common Council this 8th day of June, 1970.

Approved by the Mayor this 8th day of June, 1970.

  
Mayor

ATTEST:

  
City Recorder

AN AMENDMENT TO ORDINANCE NO. 12

REGULATING MOBILE HOMES AND TRAILER HOUSES WITHIN DUNES CITY, OREGON, PROVIDING STANDARDS AND REGULATIONS AND ESTABLISHING LOCATIONS PERMITTED AND PROHIBITED, SANITARY FACILITIES, PERMITS, INSPECTION, CONSTRUCTION, ADDITIONS AND APPURTENANCES THERETO.

THE CITY OF DUNES ORDAIN AS FOLLOWS:

Section 1. Purpose.

A. To regulate and restrict the use of mobile homes and/or trailer houses as residences or living quarters within the limits of Dunes City, Oregon.

Section 11. Definitions.

A. The terms "trailer house," "mobile home", and "vacation" or "camping trailer" shall be used interchangeably and be construed to indicate and apply to all vehicles and/or structures, self-propelled or moved by external means, that are capable of being moved along the street or highway and are provided or equipped with sleeping, living, cooking and sanitary facilities, or any of these facilities.

B. Trailer Parks - Trailer parks are defined as any property developed for the purpose of parking mobile homes or trailer houses, wherein two or more of such units are placed within 500 feet of each other on any lot, tract, or parcel of land under one ownership and provided with facilities as required by ORS 446.002 to 446.165, and all of the regulations concerning trailer parks as provided in ORS 446.002 to 446.165 are hereby adopted as regulations for the maintenance and operation of trailer parks in Dunes City, Oregon.

Section 111. Unlawful Acts.

It shall be unlawful for any mobile home or trailer house to be occupied, lived in, or otherwise used as a residence within Dunes City, Oregon, unless said mobile home is located in a regularly licensed park which has been issued a valid certificate of sanitation and meets all requirements of the provisions of Chapter 446, Oregon Revised Statutes, or unless any trailer installation outside of a trailer park as herein defined meets all of the requirements and standards for trailer installations as herein provided.

Section 1V. Exclusions.

The provisions of Section 111 of this ordinance shall not apply to any trailer house or mobile home located in any regularly constructed trailer park in Dunes City as herein described in Section 11-B of this ordinance, nor to any trailer house or mobile home outside a regularly established trailer park being used as a residence at the time of the adoption of this ordinance and any such unit now in such use in Dunes City shall not fall under the provisions of this ordinance until such time as:

- A. Ownership of unit changes, or
- B. The present owner acquires a different unit, or
- C. Any existing units become structurally unsafe, delapidated, obsolete, abandoned, or otherwise unsafe or objectionable by reason of inadequate maintenance.

## Section V. Requirements

A. City Permit Requirements - No mobile home or house trailer shall be located, parked or moved to any location within Dunes City, Oregon for a period in excess of thirty (30) days outside of a regularly established trailer park without first obtaining a city permit.

1. No city permit shall be granted unless such mobile home is located on a tract of land of not less than 6,000 square feet, with supports under each end as required to be of concrete pier blocks. The open space under the trailer shall be fully and neatly enclosed.

2. No city permit shall be granted unless each separate trailer shall have its own separate connection to a septic tank and drain field line, independent of any other installation on the building lot.

3. Any trailer installation shall be with the following set-back distances:

- a. From the front street line - Twenty Five (25) feet
- b. From the side street line - Fifteen (15) feet
- c. From the interior property line - Five (5) feet

( For determining front and side streets, the street running at right angles to the long axis of the trailer shall be the front street and the street running parallel to the axis of the trailer shall be the side street.)

4. Any and all accessory buildings constructed by and used in conjunction with the trailer house operation shall conform to set-back distances as prescribed herein and shall be constructed in accordance with existing building regulations as established under City Ordinance No. 317 and the Uniform Building Code as adopted by the City of Dunes.

B. Every trailer house in the future situate in the City of Dunes as provided under the provisions of this Ordinance must have a city permit, and if there is any change in ownership or if a new or different trailer is obtained, a new permit must be obtained, and prior thereto the applicant must comply with all the provisions of this Ordinance

C. As a prerequisite to the issuance of any city permit for trailer occupancy, the applicant must obtain and submit to the City Recorder the approval in writing of 75% of the residents of any property lying within 100 feet of any part of the lot or parcel upon which said trailer is to be placed.

D. The application for a city permit shall be accompanied by a fee to cover costs, which fee is hereby set at the sum of \$10.00, and an additional \$5.00 for Plumbing hookup Permit.

E. The City Recorder shall keep forms for applications for permits at the Recorder's office, where the permit may be issued, and upon the issuance of a city permit the same shall be kept available by the permittee for the inspection at all times by any agent, officer or employee of the city.

#### Section VI.

The Building Inspector of Dunes City shall be in charge of enforcement of this Ordinance and shall carry out all its provisions.

#### Section VII. - Board of Appeal

In the event any applicant is dissatisfied with the decision of the City Building Inspector, such applicant may file an appeal with the city Recorder. The matter shall be referred to an appeal board, consisting of three members appointed by the Mayor with advice and consent of the Council, who shall serve at the pleasure of the Council, and at least two of such members of the board shall be residents in mobile homes. The matter shall be considered by such appeal board, and upon full consideration shall determine whether or not such permit shall be issued. In the event the applicant is dissatisfied with the decision of the appeal board, the applicant may appeal to the City Council and the same shall be considered at the next regular Council meeting. The decision of a majority of the councilmen voting shall be final. In such appeal procedure the hearings shall be conducted in conformity to the equity trials of the State of Oregon.

#### Section VIII. - Penalties

Any person, firm or corporation violating any of the provisions of this Ordinance, or failing to comply therewith, shall, upon conviction in the municipal court of Dunes City, be punished by imprisonment in the City Jail for a period not to exceed 90 days, or by a fine not to exceed \$500.00, or both.

#### Section IX. - Effect of Ordinance

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this Ordinance.

#### Section X.

It being deemed by the Council for Dunes City, Oregon, that an emergency exists this Ordinance shall take effect immediately upon its final passage by the Dunes City Council.

Passed by the Common Council this 10th day of August, 1964

Approved by the Mayor this 10th day of August, 1964